

# Immigration and Refugee Board of Canada

[Home](#)[> Research Program](#)[> Responses to Information Requests](#)

## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's [Refworld](#) website. Please note that some RIRs have attachments which are not electronically accessible. To obtain a PDF copy of an RIR attachment please email [Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca](mailto:Basesdedonnees.DatabaseUnit@irb-cisr.gc.ca).

11 April 2014

**COG104824.FE**

Republic of the Congo: Sexual minorities, including legislation and treatment by society and the authorities; state protection available and support services

Research Directorate, Immigration and Refugee Board of Canada, Ottawa

Information on the situation of sexual minorities and their treatment in the Republic of the Congo was scarce among the sources consulted by the Research Directorate within the time constraints for this Response.

**1. Legislation**

Sources state that there is no law that specifically prohibits homosexuality in the country (US 27 Feb. 2014, 26; ILGA May 2013, 20; GlobalGayz 21 Feb. 2012). However, two of these sources state that homosexual acts between individuals younger than 21 years are prohibited under article 331 of the Penal Code (US 27 Feb. 2014, 26; ILGA May 2013, 20). According to the US Department of State's *Country Reports on Human Rights Practices for 2013*, under article 331, this offence is punishable by imprisonment of six months to three years and a fine (US 27 Feb. 2014, 26). According to *Country Reports for 2013*, article 330 of the Penal Code also prescribes imprisonment of three months to two years and a fine for those who commit "public outrage against decency" (ibid.). *Country Reports* points out however that these provisions are not used by the authorities to arrest or prosecute homosexuals (ibid.). Freedom House states that homosexual acts in the Republic of the Congo are punishable by up to two years in prison, though this is "rarely" enforced (Freedom House 2013).

**2. Treatment of Sexual Minorities by Society and the Authorities**

Sources state that people who practice homosexual activities may suffer social stigma in the Republic of the Congo (US 27 Feb. 2014, 26; GlobalGayz 21 Feb. 2012).

However, according to *Country Reports on Human Rights Practices for 2013*, there were no known cases of violence against sexual minorities during 2013 (US 27 Feb. 2014, 26). *Country Reports* states however that some gay men were harassed by police officers who claimed homosexuality was illegal in order to elicit a bribe (US 27 Feb. 2014, 26). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

**3. Support Services**

According to the site GlobalGayz, which focuses on the situation of sexual minorities around the world, as of February 2012, there was no public homosexual community or organization in the Republic of the Congo (21 Feb. 2012). However, *Country Reports for 2013* refers to the Association in Support of Vulnerable Groups (Association de soutien aux groupes vulnérable, ASGV), a gay rights NGO located in Brazzaville (US 27 Feb.

2014, 26). According to *Country Reports*, ASGV is particularly active in the fight against HIV/AIDS and other health issues (ibid.). ASGV sits on the National HIV/AIDS Committee, whose meetings are chaired by the president of the country or the minister of health (ibid.). *Country Reports* also notes that another organization for the rights of gay men exists in the town of Pointe-Noire, but it does not provide any details about the organization (ibid.).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

## References

Freedom House. 2013. "Republic of Congo (Brazzaville)." *Freedom in the World 2013*.

<<http://www.freedomhouse.org/report/freedom-world/2013/congo-republic-brazzaville#.U0bPOvldVPM>> [Accessed 9 Apr. 2014]

GlobalGayz. 21 February 2012. "Gay Life in Republic of Congo (Brazzaville)."

<<http://www.globalgayz.com/gay-life-in-republic-of-congo-brazzaville/2100/>> [Accessed 4 Apr. 2014]

International Lesbian, Gay, Bisexual, Trans, and Intersex Association (ILGA). May 2013. Lucas Paoli Itaborahy and Jingshu Zhu. *State-sponsored Homophobia: A World Survey of Laws: Criminalisation, Protection and Recognition of Same-sex Love*.

<[http://old.ilga.org/Statehomophobia/ILGA\\_State\\_Sponsored\\_Homophobia\\_2013.pdf](http://old.ilga.org/Statehomophobia/ILGA_State_Sponsored_Homophobia_2013.pdf)> [Accessed 4 Apr. 2014]

United States (US). 27 February 2014. Department of State. "Republic of Congo." *Country Reports on Human Rights Practices for 2013*. <<http://www.state.gov/documents/organization/220314.pdf>> [Accessed 4 Apr. 2014]

## Additional Sources Consulted

**Oral sources:** Attempts to contact the following people and organizations were unsuccessful: Comité national des droits de l'homme en République du Congo; Observatoire congolais des droits de l'homme.

**Internet sites, including:** African Veil; Africultures; Africa Time; AllAfrica; Amnesty International; Bamada.net; Congo-Site; ecoi.net; Erasing 76 Crimes; Le Forum mondial sur les HSH et le VIH; Human Rights Watch; International Gay and Lesbian Human Rights Commission; *Jeune Afrique*; *Journal de Brazza*; lolakayacongo.com; NATLEX; Pink News; Republic of the Congo – Official site; Slate Afrique; *Star du Congo*; United Nations – Refworld; Voice of Congo; Zenga-Mambu.com.

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[Top of Page](#)

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